

LUD 5466.4 CIP - JEL/NDH

- Claim 91: A composition comprising the isolated polypeptide of claim 89, and at least one adjuvant.
- Claim 92: The composition of claim 91, wherein said polypeptide is SEQ ID NO: 8, 9 or 10.
- Claim 93: A composition comprising a mixture of at least two of the polypeptides defined by SEQ ID NOS: 8, 9 and 10.
- Claim 94: The composition of claim 93, further comprising an adjuvant.
- Claim 95: A composition comprising:
- (i) a first polypeptide, the amino acid sequence of which consists of the amino acid sequence set forth in SEQ ID NO: 7, and
 - (ii) at least one additional polypeptide, the amino acid sequence of which consists of the amino acid sequence set forth in SEQ ID NO: 8, 9 or 10.

REMARKS

1. Claim 92

Claim 92 reads as follows:

The composition of claim 91, wherein said polypeptide is SEQ ID NO: 8, 9 or 10.

Compare this to claim 79:

The composition of claim 78, wherein said polypeptide is SEQ ID NO: 8, 9 or 10.

The only difference is the dependency, i.e., claim 78 versus claim 91.

In the final rejection, the examiner stated:

"Claims 76-77 and 79-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims."

The advisory action indicates that claim 91 is allowable. Since claim 92 depends from an allowable claim, and recites language found allowable previously, it is believed allowable.

2. Claim 93

Claim 93 reads as follows: